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6                   UNITED STATES DISTRICT COURT  
7                   EASTERN DISTRICT OF WASHINGTON

8                   KAREN HAUGEN, P.L., a minor  
9                   child, and MAY LANSDEN,

10                  Plaintiffs,

11                  v.

12                  MOLLY FIELDS, CITY OF  
13                  UNION GAP, LARRY WORDEN,  
14                  ROBERT ALMEIDA, SHAWN  
15                  JAMES, ED LEVESQUE, L.  
16                  McKINLEY, H. RIVERA, CHASE  
17                  KELLOGG, and JOHN DOES one  
18                  through five,

19                  Defendants.

20                  NO. CV-05-3109-RHW

21                  **ORDER DENYING DEFENDANT  
22                  MOLLY FIELDS' SECOND  
23                  MOTION FOR SUMMARY  
24                  JUDGMENT**

25                  Before the Court is Defendant Molly Fields' Second Motion for Summary  
26                  Judgment (Ct. Rec. 93). The motion was heard without oral argument.

27                  On January 5, 2007, the Court ruled that Defendant Molly Fields was  
28                  entitled to absolute and qualified immunity for participation in a temporary custody  
hearing that resulted in the removal of P.L. from his home for 72 hours. The Court  
also granted absolute immunity for Defendant Fields' role in executing the court  
pick-up order.

29                  The Court denied both parties' motions for summary judgment with respect  
30                  to Plaintiff's claims that Plaintiff's and P.L.'s right to family integrity and  
31                  association were violated when she directed the foster mother to have P.L.  
32                  examined by a physician. The Court concluded that genuine issues of material fact

33                  **ORDER DENYING DEFENDANT MOLLY FIELDS' SECOND MOTION  
34                  FOR SUMMARY JUDGMENT ~ 1**

1 exist as to whether Plaintiffs' constitutional rights were violated when Defendant  
 2 Fields instructed the foster mother to have P.L. examined without notice to the  
 3 parents.

4       Defendant Molly Fields then filed her second motion for summary judgment  
 5 asserting that there is no question of material fact that she did not direct P.L. to be  
 6 examined by a doctor for investigative purposes.

7       Summary judgment is appropriate if the "pleadings, depositions, answers to  
 8 interrogatories, and admissions on file, together with the affidavits, if any, show  
 9 that there is no genuine issue as to any material fact and that the moving party is  
 10 entitled to judgment as a matter of law." Fed. R. Civ. P. 56(c). There is no  
 11 genuine issue for trial unless there is sufficient evidence favoring the nonmoving  
 12 party for a jury to return a verdict in that party's favor. *Anderson v. Liberty Lobby,*  
 13 *Inc.*, 477 U.S. 242, 250 (1986). The moving party had the initial burden of  
 14 showing the absence of a genuine issue of fact for trial. *Celotex Corp. v. Catrett*,  
 15 477 U.S. 317, 325 (1986). If the moving party meets its initial burden, the non-  
 16 moving party must go beyond the pleadings and "set forth specific facts showing  
 17 that there is a genuine issue for trial. *Id.* at 325; *Anderson*, 477 U.S. at 248.

18       Here, in viewing the facts in the light most favorable to Plaintiffs, the non-  
 19 moving parties, the Court finds that there are genuine issues of material fact  
 20 regarding Defendant Fields' role in causing P.L. to be subjected to a medical  
 21 examination.

22           Accordingly, **IT IS HEREBY ORDERED:**

23       1.    Defendant Molly Fields' Second Motion for Summary Judgment (Ct.  
 24 Rec. 93) is **DENIED**.

25       2.    Motion to Expedite Hearing on Motion for Leave of Court to Withdraw  
 26 as Counsel for Plaintiff Tracy Lansden (Ct. Rec. 105) is **DENIED** as moot.

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 28       3.    Motion to Expedite Hearing on Motion for Appointment of Guardian

**ORDER DENYING DEFENDANT MOLLY FIELDS' SECOND MOTION  
 FOR SUMMARY JUDGMENT ~ 2**

Ad Litem (Ct. Rec. 111) is **DENIED** as moot.

4. Motion for Leave to File Excess Pages with Respect to Summary Judgment Brief (Ct. Rec. 124) is **GRANTED**.

5. Motion to Expedite Hearing on Motion to Exceed Page Limitation (Ct. Rec. 126) is **GRANTED**.

6. Motion for Leave to File Extra Length Brief (Ct. Rec.146) is  
**GRANTED.**

7. Motion to Expedite Hearing (Ct. Rec. 148) is **GRANTED**.

8. Motion to Exceed Page Limitation (Ct. Rec. 155) is **GRANTED**.

9. Motion to Expedite Hearing on Motion to Exceed (Ct. Rec. 157) is  
**GRANTED.**

**IT IS SO ORDERED.** The District Court Executive is directed to enter this Order and forward copies to counsel.

**DATED** this 14<sup>th</sup> day of May, 2007.

*s/ Robert H. Whaley*

**ROBERT H. WHALEY**  
Chief United States District Judge

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